

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>DAVID EARL MILLER, et al.,</b>	)	
	)	<b><u>CAPITAL CASE</u></b>
<b>Plaintiffs,</b>	)	
	)	<b>No. 3:18-cv-01234</b>
<b>v.</b>	)	<b>Judge Campbell</b>
	)	
<b>TONY PARKER, et al.,</b>	)	<b><i>Execution date Dec. 6, 2018</i></b>
	)	<b><i>for David Miller</i></b>
<b>Defendants.</b>	)	

**NOTICE OF APPEAL**

Notice is hereby given that David Earl Miller, Nicholas Todd Sutton, Stephen Michael West, and Terry Lynn King, Plaintiffs in the above-captioned case hereby appeal to the United States Court of Appeals for the Sixth Circuit from the Memorandum and Order (Doc. 20), entered on November 15, 2018, denying Plaintiffs' Motion for Temporary Restraining Order (After Notice) and/or Preliminary Injunction (Doc. 7) and the Memorandum and Order denying Plaintiffs' Motion to Reconsider (Doc. 28), entered on November 20, 2018.

Respectfully submitted,

FEDERAL DEFENDER SERVICES  
OF EASTERN TENNESSEE, INC.

BY: s/Stephen M. Kissinger  
Stephen M. Kissinger, BPR # 037082  
Asst. Federal Community Defender  
800 S. Gay Street, Suite 2400  
Knoxville, TN 37929  
Phone: (865) 637-7979  
Facsimile: (865) 637-7999  
[Stephen.Kissinger@fd.org](mailto:Stephen.Kissinger@fd.org)  
*Attorney for Plaintiffs*

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 2018, this Notice of Appeal was filed electronically via the Court's electronic filing system upon the following person. Parties may access this filing through the Court's electronic filing system.

Scott C. Sutherland  
Assistant Attorney General  
Law Enforcement Division  
P.O. Box 20207  
Nashville, TN 37202  
(615) 741-2164  
[Scott.Sutherland@ag.tn.gov](mailto:Scott.Sutherland@ag.tn.gov)

Jennifer L. Smith  
Tennessee Attorney General's Office  
P. O. Box 20207  
Nashville, TN 37202  
(615) 741-3491  
[Jennifer.Smith@ag.tn.gov](mailto:Jennifer.Smith@ag.tn.gov)

Robert W. Mitchell  
Tennessee Attorney General's Office  
P. O. Box 20207  
Nashville, TN 37202-0207  
(615) 741-3491  
[Robert.Mitchell@ag.tn.gov](mailto:Robert.Mitchell@ag.tn.gov)

s/Stephen M. Kissinger  
Stephen M. Kissinger